

CANADA

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)	
INSLAW, INC.,)	Case No. 85-00070
Debtor.)	(Chapter 11)
_____)	
INSLAW, INC.,)	
Plaintiff,)	
v.)	
UNITED STATES OF AMERICA,)	Adversary Proceeding
and the UNITED STATES)	No. 86-0069
DEPARTMENT OF JUSTICE,)	
Defendants.)	
_____)	

AFFIDAVIT OF PATRICIA C. HAMILTON

CITY OF WASHINGTON)
DISTRICT OF COLUMBIA) ss:

I, PATRICIA C. HAMILTON, being duly sworn, do hereby state as follows:

1. For the past four and a half years, I have been employed at INSLAW, Inc. as a Region Manager for the sale of computer software products and services to public justice agencies. I am also the daughter of William A. Hamilton and Nancy B. Hamilton, President and Vice President of INSLAW, Inc. respectively.

2. Both the Federal Government of Canada and the provincial governments of Canada are within the sales territory assigned to me as Region Manager.

3. On November 5, 1990, in my capacity as Region Manager, I received a telephone call from Mr. Mark Valois of the Department of Communications of the Federal Government of Canada. In the course of this telephone conversation, Mr. Valois stated that INSLAW's PROMIS computer software product is currently operating in agencies and departments of the Federal Government of Canada. Mr. Valois made a reference to a computer printout documenting more than 900 locations in Canada supported by INSLAW's PROMIS computer software.

4. During the week of January 21, 1991, I received two letters from the Department of Communications of the Federal Government of Canada, asking me to complete a questionnaire designed for vendors of computer software products currently in use in departments and agencies of the Federal Government of Canada (see the attached). The letters noted that INSLAW's PROMIS computer software product is currently operating in multiple departments and agencies of Canada's Federal Government. The questionnaire seeks information about both INSLAW, Inc. and its PROMIS software product, including information about the identities of any authorized distributors for INSLAW's computer software products in Canada.

5. INSLAW, Inc. has not sold the PROMIS software to any agency or department of the Federal Government of Canada, and has never had any authorized distributors for Canada.

6. While on a business trip in Montreal, Quebec on January 30, 1991, I visited the headquarters of the Department of Communications to seek information about the PROMIS installations in the Federal Government of Canada. During my visit, I met with Mr. Marcel Simoneau and Mr. Dennis Lechence of the Department of Communications.

7. During the course of this visit, Mr. Lechence told me that the Royal Canadian Mounted Police (RCMP), a department or agency of the Federal Government of Canada, is operating INSLAW's PROMIS computer software to support 900 locations in Canada. In response to a question from me, Mr. Lechence identified the person to contact at RCMP Headquarters in Ottawa regarding the PROMIS software as Mr. T. Caultrer, and furnished to me Mr. Caultrer's telephone number.

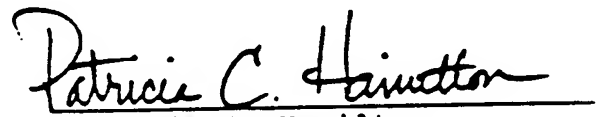
8. On February 1, 1991, on my way home to Washington, D.C. from my business trip to Montreal, Quebec, I stopped in Ottawa and arranged to meet with Mr. Caultrer at RCMP Headquarters. I showed Mr. Caultrer copies of the letters I had received from the Department of Communications, and reported to him on my meeting with representatives of the Department of Communications in Montreal, including the information that the RCMP is operating PROMIS to support 900 locations in Canada. Mr. Caultrer responded to me by stating that he did not know of any use of the PROMIS software within the RCMP. Mr. Caultrer suggested that I simply disregard the letters that I had received from the Department of Communications.

9. On February 4, 1991, I spoke again by telephone with Mr. Mark Valois of the Department of Communications. Mr. Valois stated that the Department of Communications had engaged a Canadian accounting firm in 1989 to compile an inventory of computer software products implemented within departments and

agencies of the Federal Government of Canada. Mr. Valois further stated that the computer printout produced by the Canadian accounting firm uses codes to identify the various federal departments and agencies. Mr. Valois stated that the Department of Communications had just contacted the Canadian accounting firm by FAX letter, requesting that it provide the actual names of the departments or agencies revealed in the report to be operating the PROMIS computer software. Mr. Valois stated that he would convey this information to me shortly after he receives it from the Canadian accounting firm that compiled the report. Finally, Mr. Valois stated that the "mystery" will soon be over because the accounting firm will be able to make a definitive statement on the identities of the federal government departments or agencies that are operating the PROMIS software. Mr. Valois explained that there are very specific location codes on his list and all the Department of Communications needs to do is to have the accounting firm translate the agency and location codes.

10. On February 11, 1991, I spoke by telephone with Mr. Lechence of the Department of Communications to apprise him of my inability to confirm the RCMP's use of PROMIS with Mr. Caultre, the RCMP official to whom he had earlier referred me. Mr. Lechence explained that one department or agency of the Federal Government of Canada is, without any doubt, operating INSLAW's PROMIS software to support 900 locations in Canada, and that he believes that the identity of the department or agency is the RCMP. Further, Mr. Lechence stated that there is at least one additional federal department or agency operating the PROMIS software and that, although he does not know the identity of the second department or agency, PROMIS is supporting five separate locations in the second department or agency.

FURTHER AFFIANT SAYETH NOT.


Patricia C. Hamilton

Signed and sworn before me this 11th day of February, 1991.

 My Commission Expires: May 11
Notary Public



Communication
Canada

Communications
Canada

Centre canadien de recherche sur
l'informatisation du travail

Canadian Workplace Automation
Research Centre

January 8, 1991

Votre référence

Votre référence

Inslaw Inc.
c/o Ms. Patty Hamilton
1125 15th St #300
Washington, 20005
DC

Dear Madam:

The Canadian Workplace Automation Research Centre (CWARC) has been named by the Treasury Board of Canada as the official focal point for all information pertaining to hardware and software that can be operated in either or both of the official languages in Canada.

CWARC is aware that your company's software products are being used in federal departments and agencies. This is why we would appreciate your help in obtaining accurate information on these products.

Your cooperation in providing the information requested will allow us to build a product file that can be accessed by those interested in acquiring new software and updating their office systems. Please complete and return the questionnaire as soon as possible. We would appreciate receiving your reply on or before January 22, 1991.

Your contribution to this survey will be most appreciated.

Yours sincerely,

Jacques Marcotte
Director, External Collaboration

P.S. Any questions on this should be directed to either Marcel Simoneau or Marie-Cécile Domecq at (514) 682-3400. By FAX at (514) 686-1990

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Canada

January 8, 1991

Inslaw Inc.
c/o Ms. Parry Hamilton
1125 15th St #300
Washington, DC
20005

Dear Madam,

Please find enclosed a list of products from your firm that are currently in use in the federal government departments and agencies :

PROMIS

We have included 2 forms. Please fill a form for each product. You may photocopy the provided blank to report any unlisted product that you would like to bring to our attention. Please complete and return the questionnaires in the preaddressed envelope as soon as possible. We would appreciate receiving your reply on or before January 22, 1991.

We thank you for your patience and cooperation.

**Communications Canada
The Canadian Workplace Automation Research Centre**

SURVEY OF SOFTWARE IN USE

INTRODUCTION AND INSTRUCTIONS

The Canadian Workplace Automation Research Centre (CWARC) has been named by the Treasury Board (federal) as the focal point for the exchange of information on hardware and software that can be operated in French, English or both. This information will be made available to federal departments and agencies thereby facilitating the identification and acquisition of items supporting office systems in both official languages.

This survey will enable the Centre to build a data base on these topics. We are particularly interested in software products that support both official languages independently or in addition to one another. Blank forms are provided with the package. Please, use them to identify all additional products that you may have that support the use of the French language, in particular. Make as many copies of these blank forms as needed and return them all, once filled, to the following address:

**Canadian Workplace Automation Research Centre
c/o Mr. Marcel Simoneau
1575 Chomedey Blvd.
Laval, Quebec
H7V 2X2
Fax : (514) 686-1990**

You may send us copies of your catalogs, promotional literature, demo packages, etc. that we could use or make available to our clientele in the federal government.

Should you have any questions on this, or require further information, you may call Marcel Simoneau or Marie-Cécile Domecq at (514) 682-3400.

We thank you for your patience and cooperation.

**Communications Canada
The Canadian Workplace Automation Research Centre**

PRODUCT INFORMATION

1. Product identification

1. NAME OF PRODUCT : _____

- 1.1 What is the function of this software product ? What type is it ? (eg. system software, DBMS, office automation, accounting, connectivity, etc.).

- 1.2 Hardware needed to run it : _____

- 1.3 Operating System needed : _____

- 1.4 Minimum RAM needed : _____

- 1.5 Minimum Disk Storage Needed : _____

- 1.6 Does the software product require some specialized environment, configuration ?

No : ☐

Yes, please specify : _____

- 1.7 Does the software exist in, work in and support either one or both official languages ?

	Yes	No
English		
French		
Others :		

2. Available Versions

	Current English Version	Current French Version
Title :		
Version Number :		
Release Date :		
Date of last update :		
Suggested Unit Retail Price : \$	\$	\$

This product was **ORIGINALLY** developed in English ☐
 the French version was adapted from the English version : ☐
 the French version was translated : ☐

This product was **ORIGINALLY** developed in French ☐
 the English version was adapted from the French one : ☐
 the English version was translated : ☐

This product was **ORIGINALLY** developed in another language ☐
 please specify : _____

3. Does this product meet the listed characteristics ?

French and Other Special Accented Characters

	Yes	No	Being considered
Input and output of either French or English data are possible in the normal use of the software product.			
The product retain accented characters through input, internal processing and output			
Help screens and help messages are available in either French and English (with accented characters)			

User Assistance

The currently sold French version of the product, has the following features :

	Yes	No	Being considered
French Manuals and Documentation Material			
French Menus and user commands			
Full set of French messages			
Help Module in French			
Tutorial in French			
After Sale User Support in French			

4. If a French version and an English version of the software exist, are new releases of both versions issued at the same time ?

Yes : ☐

No : ☐

Being Considered : ☐

Doesn't apply : ☐

5. French character sets and their processing

5.1 Does the French version of this software product rely on a special (other than 7-bit ASCII) character set for the processing of French data ?

Yes, please specify : _____

No : ☐

5.2 Does this software product allow the user to install his/her own special character set for the processing of French data ?

Yes : ☐

No : ☐

5.3 To what extent are the following character sets supported by this product ?

Character Sets	Functions			
	Storage	Sorting	Processing	Installation
IBM Extended (ASCII)				
CP 437 (USA)				
CP 850 (Multilingual)				
CP 863 (French Canada)				
ISO 8859-1 (Latin Alphabet No. 1)				
ANSI				
Others :				

DOC 9727.90-01437

Rempli par : _____
No de téléphone : _____

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6. Sale and Pricing Policy**6.1 General :**

	Suggested price :
Single licence :	\$ _____
Discount for bulk purchases :	% _____
Site licences after _____ copies :	\$ _____
Other policy : _____	\$ _____

6.2 LAN versions :

	Suggested price :
Multipac licence : 6 or less copies :	\$ _____
7-12 :	\$ _____
13 and more :	\$ _____
Unlimited licence :	\$ _____
Other policy : _____	\$ _____

6.3 On a workstation that is time-shared by several employees, French and English, your present policy would require :

	Suggested price :
<input type="checkbox"/> full price purchase of one English licence and one French licence :	\$ _____
<input type="checkbox"/> full price purchase of one of both versions with a discount for the second version :	\$ _____
<input type="checkbox"/> there exists a BILINGUAL version (one licence) :	\$ _____
<input type="checkbox"/> Other policy, please specify : _____	

Thanks for your collaboration.

Please return this questionnaire in the pre-addressed envelope.

DOC-WIEP-90-01437

Filled by : _____
Phone : _____

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Canada
U.S. Department of Justice

ALLear:dlh

Telephone:
(202) 307-0488

Washington, D.C. 20530

April 3, 1991

By Hand

Jonathan T. Fried
Counsellor
Congressional and
Legal Affairs
Canadian Embassy
501 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Fried:

David Epstein, the Director of the Office of Foreign Litigation, has given me a copy of the March 14, 1991 letter which Ambassador Burney sent Congressman Brooks respecting allegations that the Government of Canada is using Inslaw Inc.'s "Promis" software. I understand from David that he received the letter from your office.

As I am sure you know, Inslaw has maintained in an action currently pending in the United States District Court for the District of Columbia that the Canadian Government is using "Promis" in several hundred locations. As one of the lawyers representing the United States in that action, I would like to know as much as possible about the Canadian Government's reaction to that charge. Could you tell me if the Embassy has written anyone in the United States other than Congressman Brooks about the charge; and, if so, could I be given a copy of the correspondence?

Thank you for your consideration of this request.

Yours sincerely,

Allen L. Lear
Senior Trial Counsel

cc David Epstein

Canadian Embassy



Ambassade du Canada

501 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

April 3, 1991

Mr. Allen L. Lear
Senior Trial Counsel
U.S. Department of Justice
Todd Building
550 11th Street, N.W.
Washington, D.C. 20004

Dear Mr. Lear:

This is to acknowledge receipt of your letter of April 3rd, 1991, concerning Inslaw Inc.

The Embassy has received inquiries on this subject from Mr. David Epstein, Director, Office of Foreign Litigation, Civil Division, the Honourable Jack Brooks, Chairman of the House Judiciary Committee, and from Ms. Nancy Hamilton, Vice-President, Inslaw Inc.

I attach for your information a copy of the Embassy response to Ms. Hamilton. I understand that you are already in possession of a copy of our response to Chairman Brooks.

I trust this information fully responds to your request.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Jonathan T. Fried".

Jonathan T. Fried
Counsellor
Congressional and
Legal Affairs

Encl.

Canadian Embassy



Ambassadeur du Canada

501 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

March 14, 1991

Ms. Nancy Hamilton
Inslaw, Inc.
1125 - 15th Street N.W.
Suite 300
Washington, D.C. 20005

Dear Ms. Hamilton:

Further to your facsimile transmission of February 26, 1991 to Ms. Laurette Glasgow of this Embassy and our subsequent telephone conversations, the following information has been provided to me from the Department of External Affairs regarding your request for information on the possible use of your company's software, "Promis", by the Government of Canada.

It appears from the documents you forwarded to us that contact with Mr. Lachance of the Department of Communications Canadian Workplace Automation Research Centre has led you to the conclusion that the Government of Canada, specifically the RCMP, is using Inslaw's "Promis" software.

As Mr. Lachance has already informed your husband, Mr. William Hamilton, on February 21, 1991, his investigations show that the RCMP does not use Inslaw's "Promis" software. Further investigation has given us no reason to believe that Inslaw's software is being used elsewhere in the Canadian government.

I understand that a data base used by the Canadian Workplace Automation Research Centre indicates that two Canadian Government departments have on inventory software named "Promis". This data base, prepared by a private consultant, gives codings rather than names for Government departments. The two departments indicated in the data base as using "Promis" are the Canadian International Development Agency (CIDA) and the Department of Public Works.

.../2

Subsequent investigation has confirmed that CIDA, although indicated as having "Promis" on inventory, was at the time the data base was compiled, only considering acquisition of "Promis" and later decided not to purchase it. Similarly, the Department of Public Works had only indicated that it was considering purchase of "Promis" software.

In addition, you might note that "Promis" is not a registered trademark in Canada. The name is in fact used by at least two other companies for software of types quite different from that of Inslaw. One of these is a project management software package for large construction projects and similar undertakings, while another is an industrial plant management software package. There is nothing in the data base used by the Centre to suggest that the "Promis" software mentioned therein is Inslaw's "Promis".

I trust that this information responds to your enquiry.

Yours sincerely,

(s) J.T. Fried

Jonathan T. Fried
Counsellor
Congressional and
Legal Affairs

Daniel J Cronin, Mktg/Sales
Karen Crowley, PR/Adv
Stephen Sharp, VP Prof Svcs

STANDARD SOFTWARE

9 Fifth St
Medford MA 02155
617-395-9958 FAX: 617-393-9884
Primarily develops and distributes software to real estate industry.
Est: 1988
MA Emp: 9 Total: 10
Annual Sales: Under \$1M
Privately held, woman-owned
Hardware Type: Micro, Mini, Mainframe, Workstation
Hardware Comp: IBM AND COMPATIBLES, DEC, HEWLETT PACKARD
Software Type: Packaged
Applications: Real estate
Laura Parsons, President

STAR TECHNOLOGIES INC

319 Littleton Rd
Westford MA 01886
508-692-0088 FAX: 508-692-0159
Headquartered in Sterling, VA
Designs, develops and manufactures high performance computing products, including array processors, image generators and network servers.
Est: 1981
MA Emp: 5 Total: 200
Annual Sales: 20 to 50M
Stock: NASDAQ
Public company
Hardware Type: Micro, Mini, Mainframe, Workstation
Hardware Comp: IBM AND COMPATIBLES, DEC, SUN
Software Type: Packaged, Custom
Applications: Scientific and engineering, government, medical, simulation, CBT
Foreign Dist: CANADA, EUROPE, AUSTRALIA, PACIFIC RIM
David Poulin, Reg Sales Mgr

STATE STREET CONSULTANTS INC

31 Milk St
Boston MA 02109
617-482-1234 FAX: 617-482-2060
Provides market research services, builds databases and performs lead handling and sales and tracking services.
Est: 1967
MA Emp: 45
Annual Sales: 1 to 5M
Foreign Sales: 10%
Privately held
Software Type: Custom
Applications: Electronic publishing
Foreign Dist: CANADA, UNITED KINGDOM, EUROPE
John P Windle, CEO
Leslie Dangle, Mktg Dir

STATISTICAL INNOVATIONS INC
375 Concord Ave

Belmont MA 02178
617-489-4490
Develops SI-CHAID (Statistical Innovations Chi-Squared Automatic Interaction Detector) segmentation software for PCs and mainframes. The system is used for profile analysis, response analysis, segmentation modeling and general exploratory research for market researchers, database and direct marketers, enrollment managers, financial service institutions, among others. Training and custom software development are available. Also provides statistical modeling and courses in modeling/market segmentation.
Est: 1981

MA Emp: 3
Annual Sales: Under \$1M
Foreign Sales: 1%
Privately held
Hardware Type: Micro, Mainframe
Hardware Comp: IBM AND COMPATIBLES
Software Type: Packaged, Custom
Applications: Mathematics and statistics
Foreign Dist: CANADA, EUROPE, AFRICA
Jay Magidson, President
Frank Derrick, Bus Mgr

STEVENS SOFTWARE CO INC

1573 Fall River Ave
Seekonk MA 02771
508-336-3323 FAX: 508-336-9067
Develops custom software for mini and microcomputer systems for small and medium-sized manufacturing companies with emphasis on order entry, inventory management, production management and accounting applications, using fourth generation languages. Provides general consulting and system sales.
Est: 1980
MA Emp: 4 Total: 4
Annual Sales: Not Available
Privately held
Hardware Type: Micro, Mini
Hardware Comp: IBM AND COMPATIBLES
Software Type: Packaged, Custom
Applications: Manufacturing, general accounting, database
Michael J Stevens, CEO

STRAT*X INTERNATIONAL

222 Third St
Cambridge MA 02142
617-494-8282 FAX: 617-494-1421
Subsidiary of Strat*X SA, Veneux-les-Sablons, France.
Provides marketing skills development for managers worldwide with a complete portfolio of development aids and services: management seminars, marketing competitions, personal training packages and a range of sophisticated business simulation software.
Est: 1986
MA Emp: 6 Total: 20
Annual Sales: Not Available
Privately held
Hardware Type: Micro
Hardware Comp: IBM AND COMPATIBLES
Software Type: Packaged

Applications: CBT, educational software, business productivity, sales and marketing, banking/financial/investment management
Foreign Dist: CANADA, UNITED KINGDOM, EUROPE, AUSTRALIA, PACIFIC RIM, SOUTH AMERICA, AFRICA

James Thorne, President
Scott Imperatore, GM/VP
Debi Lavender, Mktg
Jim Jubelirer, Sales
Timothy Matanovich, Devt/Eng
Jim Jubelirer, PR/Advert
Elizabeth Imm, Sys Admin Coord

STRATECISION INC

47 River St
Wellesley MA 02181
617-235-0233 FAX: 617-235-4733
Develop software decision aids to guide individuals in health & financial decisions, including purchase of long term care insurance, estimation of cardiovascular risk, and use of preventive medical interventions. Provide consulting on medical information systems, custom software in MUMPS, Paradox, Fortran, C, and other languages.
Est: 1992
MA Emp: 5 Total: 5
Annual Sales: Not Available
Privately held
Hardware Type: Micro, Mini, Mainframe, Workstation
Hardware Comp: IBM AND COMPATIBLES, SUN, DEC
Software Type: Packaged
Applications: Medical, insurance, database, government

Ted Pass, CEO

STRATEGIC SOFTWARE PLANNING CORP

1 Kendall Sq Bldg 600 S296
Cambridge MA 02139
617-354-1504 FAX: 617-354-8207
Designs, develops and markets PC-based project management software. Also offers training, consulting and customization services complemented by our highly praised product technical support.
Est: 1982
MA Emp: 8
Annual Sales: 1 to 5M
Foreign Sales: 10%
Privately held
Hardware Type: Micro
Hardware Comp: IBM AND COMPATIBLES
Software Type: Packaged, Custom
Applications: Business productivity, office automation, business productivity
Foreign Languages Available
Foreign Dist: CANADA, UNITED KINGDOM, EUROPE, PACIFIC RIM, SOUTH AMERICA
Massimo Grimaldi, CEO
Bill Bordiuk, R&D

SUCCESS AUTOMATION

204 California St
Newton MA 02158
617-527-2496 FAX: 617-527-2793